

say nothing of the length of time that would have been required for him to have done as Martin claimed. The defendant's assertion that Burton refused to go to the City Hall was also contradicted by the witnesses, as were other statements made by him.

Major Woods asked that his client be admitted to bail, at any rate. The greatest offense of which he could possibly be convicted was

INVOLUNTARY MANSLAUGHTER,

which was punishable by not more than one year in the county jail. The defendant had been laboring under intense excitement and great bodily fear caused by the mysterious actions of the deceased, and the belief that he was a burglar. There could be no doubt that he was laboring under an intense mental strain from this cause, and had his intention been to kill Burton, he had better opportunities than to wait until there were a number of witnesses around. It was not likely that, trembling with fear as Martin was, he could have intentionally fired with such deadly aim. Mr. Woods argued that it was plain the shooting was accidental and it would doubtless be so regarded by the trial jury, but he did not ask the dismissal of the defendant, but his admission to bail pending further proceedings.

Justice Pyper then went carefully over the testimony, summing up the evidence, and held that the story of the defendant had not explained satisfactorily what had taken place. In the light of all the evidence it was probable that the offense of murder had been committed, and the defendant Martin was therefore ordered committed without bail.

FROM THURSDAY'S DAILY JUNE 2.

At Liberty.

To-day Brother Wm. Palmer, of Logan, Cache County, was released from the penitentiary, where he has been serving out a term of six months for living with his wives. His fine of \$100 was paid.

Washout on the U. & N.

The regular Utah & Northern train which should arrive in Ogden at 4 o'clock this afternoon, is reported 12 hours behind, the cause being a washout on the line north of Pocatello, Idaho. Another train was started to make connection from Pocatello to Ogden.

Telephone Connection.

Manager E. J. Holding, of the Rocky Mountain Bell Telephone Company, called at this office, to-day and informed us that on Monday last telephone communication between this city and Tootie City was completed. The rate for five minutes' conversation has been placed at 25 cents.

Improving.

Hon. Lorin Farr is in a favorable state. Yesterday he was able to be up during several hours. He walked out a few steps, and sat at the table to partake of meals. He is gaining strength, slowly but surely, and his many friends may soon have the pleasure of greeting him in perfect health. —Ogden Herald.

The Old Folks' Excursion.

The Governor endorses the Old Folks' Excursion as will be seen by the following note to a member of the committee enclosing a donation in aid of the coming event:

SALT LAKE CITY,
June 1st, 1887.

C. E. Savage, Esq.,
Salt Lake City.

Sir—Enclosed please find a donation in aid of the annual Old Folks' Excursion, a most beautiful and commendable charity.

Very respectfully, &c.,
CALEB W. WEST.

Improving His Pictures.

M. Lenzi, Esq., of this city is widely known as the painter of some of the very best still life pictures ever produced in this region. He has lately discovered an improvement which he has applied to some of his pictures, and which greatly increases the naturalness of their appearance. Two pictures of bunches of grapes, painted by him some years ago, will be remembered as striking imitations of nature, but the improvement spoken of, which Mr. Lenzi has applied to them, makes them such exact imitations of nature as to defy criticism. The new method consists in applying a kind of glazing to the paintings, and its effect is most pleasing as well as surprising.

Poisoning Dogs.

The examination of Edward Edwards, of Sugar House Ward, on the charge of maliciously administering poison to animals, was held before Justice Pyper to-day. The accused had put some poisoned meat in his garden and as a result several dogs were killed. One belonged to a Mr. Carlton, but the matter was arranged between Mr. Edwards and the owner. However, Simon Saxton, whose dog was also poisoned, made complaint against Edwards for poisoning Carlton's dog, and the arrest was made. The reason for the poison being put out was that the dogs congregated in Mr. Edwards' garden, making sad havoc among the vegetables. Justice Pyper reserved his decision till Monday next.

Arrived at New York.

The company of Saints which left Liverpool May 21st, arrived in New York yesterday, and were to proceed westward to-day. Elder Edward Davis has charge. Those destined for points north of Ogden, or south of Provo, will travel over the U. P. in charge of Elder Thomas G. Lowe. The rest of the company will come via the D. & R. G. We learn the foregoing from a private telegram.

Pleasant Valley.

A correspondent, "J. K. P.," writing from Scofield, Pleasant Valley, on the 30th ult. says that work in the coal mines has been slack for some time past and there don't seem to be much chance for times to liven up very soon. The miners barely make a living; some with large families experience hard times in making ends meet. It is anticipated that the saw mills will soon start up again, which will have a tendency to make times better.

The meeting house (at what is commonly called the "Y") is nearly completed. The cost will not exceed \$1,000. The Saints in this part of the vineyard have been very much in need of a comfortable place to meet in, having to travel about two miles to the Pleasant Valley Ward meeting-house.

The next move ought to be to get an organ for the new building.

Professor Thos. Hardee has organized a singing class and is teaching vocal music. He is a very efficient and successful music teacher.

An enjoyable party was given last Friday evening in the new Assembly Hall which was kept up till 12 o'clock and all that were present expressed themselves on leaving that they never enjoyed themselves better. James Gatherum and John E. Ingies deserve a word of credit for their judicious management of the affair.

Two schools are running in full blast and seem to be well attended.

Funeral of Elder Kimball.

Shortly before two o'clock yesterday afternoon, eight young men as pallbearers, the former fellow employees of Elder J. H. Kimball at the Tithing Office, wearing badges, met at the sexton's office and conveyed the body to the Seventeenth Ward Assembly Rooms. At the same time the members of the family assembled at the late residence of the deceased, formed in procession, and marched to the same place, joining the pallbearers at the intersection of West Temple and First North streets.

The funeral services began shortly after two o'clock. Elder J. C. Kingsbury offered the opening prayer. Bishop O. F. Whitney delivered a discourse fraught with consolation and instruction, and was followed by Elder J. C. Kingsbury, who bore a testimony to the faithfulness and merits of the deceased, while an employee of the Tithing Office.

A very large assembly attended the services and many followed the remains to the city cemetery, where they were interred.

The family of the deceased desire to express their gratitude for the kindness and sympathy that have been manifested by their friends. They are especially grateful for the generous conduct of the persons at Hammond, Kansas, who rendered assistance at the time of and after the accident. They also appreciate courtesies that were extended by railroad officials, especially of the Kansas City, Fort Scott and Gulf road.

Text Books.

For a number of years past the labors of school officers in this Territory have been directed toward securing a uniform system of text books for pupils, and so far as readers are concerned the National series is now in general use here. As another convention looking to the adoption of books will be held in June, Mr. Edward Adams, representing A. S. Barnes & Co., is now in this city, with a view of presenting the superior claims of the text books published by his firm for the consideration of school superintendents and teachers. For this purpose a great many sets of books have been distributed in the various counties for examination by school officers. A new series of National readers has been recently issued by the publishers, which it is believed will fully correct any fault that may have existed in former works of this class. A careful examination of the new series shows it to be considerably improved over that now in use, and the present state of comparative perfection has doubtless been arrived at only through experience and careful and intelligent labor. The new readers are numbered from one to five, and in the system of gradation, as well as in the quality of literature, seem to be all that can be desired. They are printed on good paper, in clear, open-faced type, and are profusely illustrated and well bound.

Among the other school text books published by A. S. Barnes & Co., some of which are now in use in our district schools, are the "Pathfinder" series of physiologies, Steele's Sciences, Watson's Spellers, Primary History of the United States, Monteth's series of Geographies, Barnes' General History of Ancient, Medieval and Modern Peoples, etc.; all excellently arranged for purposes of instruction.

Keep Him Off.

Last week a violinist appeared in this city and advertised a musical concert. He announced himself as Prof. Emil Seifert, claimed to be in possession of wonderful musical abilities, and said he had met with great success in Colorado. Of the quality of this success our readers can judge by the following from the Denver News of May 31:

"A report has reached Denver of a dastardly outrage attempted on a young lady of this city by a man whose previous record has always been the subject of much gossip and suspicion here. Something over a year ago Emil Seifert came to Denver. He came here from the east, and was pursued by a report of some improper actions towards a lady in a town of New York State. These actions led to his being attacked by an indignant husband, it was said, and shot through the throat. The latest report would indicate that Professor Seifert has been up to his old tricks. He had, it is said, been engaged to a young lady here, who was like himself a musician and a teacher of music. The young lady is a beautiful, large, splendidly formed brunette and is well thought of in Denver. A short time since she received a call from Seifert. They had been engaged, but the engagement had, it is said, been broken off and the usual number of quarrels common to engaged people had occurred. He showed her a telegraph message which it is now claimed was forged, asking Seifert and herself to come to Salt Lake to assist in concerts there, given by some company. They started on the train and got as far as Pueblo, where she claims he put her on the train to New Mexico. They stopped off at Raton and Seifert took the girl to a hotel there, where she says he attempted to occupy the same apartment with her, and on her resisting drew a knife and threatened her life. The young lady proceeded to utter piercing shrieks and Seifert finally let her out of the apartment. She then went to a livery stable and engaged a livery man to drive her to Trinidad. There being frightened with the idea that Seifert would follow her she went to El Moro, and took the train for Colorado Springs where she now is. Seifert is said to have gone south and to have assumed the name of La Blanche. The young lady has written a full and circumstantial account of the matter to her mother. It is not thought that Seifert will return to Denver in a hurry."

The Commissioner read the sections of law bearing on the subject, in which sections 16 and 36 in the Territories were reserved as school lands and were not subject to entry; and also a section which provides for the punishment of those who unlawfully enclose the public domain at fixing the maximum penalty and imprisonment for one year and \$1,000 fine.

The defendant Andersen stated that he had fenced in the land in question during this spring. He had considerably improved the land during his occupancy of it, which he understood could continue till the Territory became a State when he might either move off or have the opportunity of purchasing it. He had not the slightest intention of breaking the law, and could not understand that he had done so. It was understood that title to school sections could not be acquired in the Territory, but settlers were allowed to cultivate it, and it would be

A FOOLISH IDEA

to think this could be done without allowing it to be fenced to protect the crops from stock that was permitted to roam about. He protested that he had done no wrong in the case; that the government was not injured but benefited by having the land brought into cultivation and made more valuable till such time as it was put on the market; that it was not good policy to compel settlers to take down their fences and thus permit the land to go uncultivated and depreciate in value.

The Commissioner said that under the circumstances it appeared there had been a violation of the law. The defendant Jensen was only hired to assist in the work, and was therefore discharged. The defendant Niels Anderson was ordered to give bail in the sum of \$500 to await the action of the grand jury.

There are in this county quite a number of persons who occupy school lands, and if this rule is to be enforced it will work

A GREAT HARDSHIP

on many poor people. The law as laid down in this case permits a man to occupy and work the school lands, but does not allow him to put up a fence to protect his crops from damage. Of the real intent of the law there can be no doubt. It was to prevent the enclosing of large tracts of land, as was done in Wyoming, for instance for grazing purposes, and thus excluding actual settlers. But none of the reasons good in those cases will apply in this. It is a fact that the occupancy of the school sections has been of material benefit to settlers instead of the reverse, and a test should be made as to whether the law is really applicable to such cases. At any rate there is no doubt that such an application would be a bad public policy, productive of nothing but evil.

FROM FRIDAY'S DAILY JUNE

Broken Shoulder.

A little son of J. Thorpe, while after cows on Sunday evening, met with an accident, breaking his shoulder bone. The little boy was riding a horse with one of Fred. Turner's boys, when the horse stumbled, throwing young Thorpe's shoulder against a rock, thus causing the accident. Dr. Snow attended to the little fellow's injuries. —Logan Journal, June 1st.

In a New Field.

Elder N. L. Nelson, whose interesting communication over the signature of N. L. N. have appeared in the News occasionally during the past two years, is now traveling in Utah County, canvassing for subscriptions, advertisements, sale of books, etc., and is also a correspondent for the News. We recommend him to the patronage of the good people of that region.

Charged With Embezzlement.

Another of the Singer Sewing Machine Company's agents is in the toils on a charge of embezzlement. The accused this time is W. J. Foster, and it is alleged that he made away with four sewing machines, valued at \$60 each, sold them, pocketed the money and left town. He was captured at a saloon at Rock Springs, on Tuesday evening, by Sheriff Young, of Sweetwater County, Wyoming, and was handed over to Deputy Cannon, who returned with him last evening. His case will be heard on Monday.

Set Him Up.

The trial of Andrew Hentz, for indecent assault on a little girl was concluded in the Police Court yesterday. The testimony showed that Hentz had been in the habit of indulging in conduct of the most disgusting character, and that had the little girl not made her escape in the way she did, the consequences to her might have been serious. Mrs. Hentz, who had been married to the defendant but about two months, seemed pleased at her husband's conviction. The culprit was sentenced to imprisonment for fifty days and to pay a fine of \$99.

The Edmunds Law.

There were four arraignments in the First District Court yesterday on the charge of unlawful cohabitation, the first being Jens Peterson, of Huntsville. He took the statutory time to plead.

Ole Hansen, of Logan, when arraigned, said he would plead guilty to save time and trouble. This was not allowed by the Court, and error being found in the indictment, it was quashed and the case resubmitted to the grand jury.

Jens Hanson took the statutory time to plead to an indictment for unlawful cohabitation.

C. F. Schade, of Huntsville, pleaded not guilty to a similar charge.

Another Drowning.

A fatality occurred at West Weber yesterday which resulted in the death of Henry, a 22 months old son of Robt. McFarland. The little fellow was playing outside the house, and his grandpa was watching him. Some other children came along, however, and distracted the old gentleman's attention for a few minutes. When the child was thought of again he could not be found. During the brief period he had fallen into the canal, which runs by the house, and was drowned. Search was instituted and every nook and cranny was anxiously scanned, all to no avail. Gradually the awful truth that the child had lost its life in the waters of the canal forced itself upon the anxious searchers. The stream was followed along for three miles by Wm. C. McFarland and Jed Bingham, and there against a wire fence which crosses the stream, lay the body of little Henry. Life was quite extinct when the body was recovered, the body having been in the water one or two hours. —Ogden Herald, June 2.

President Budge Arrested.

Late yesterday afternoon Honorable William Budge, of Bear Lake County, President of Bear Lake State, Idaho, was arrested in Ogden by deputy marshal Exum. The officer had no warrant, and when it was demanded of him to tell upon what charge he had arrested the defendant he was unable to state it. It seems that the arrest was made on the suspicion that Mr. Budge might possibly be wanted by the officers of Idaho. A writ of habeas corpus was obtained and the prisoner was brought before Judge Henderson. His attorneys insisted that if the officer having him in custody could not state upon what charge he was held, the court should order his release immediately. The officer declared that he could not answer before this morning, and the court granted him until ten o'clock this forenoon. At that hour the matter came up for hearing and the court granted another continuance until 3 p. m. to-day, to enable an hour to enable us to give an account of the proceedings.

The court was asked last evening to admit the prisoner to bail, but this the court held, would be improper until the nature of the charge against him was known, and bail was refused. Late last evening Exum received word from Marshal Beard, of Idaho, to hold Mr. Budge, and that an officer would be sent to take him to that Territory.

Heavy Floods.

The Denver News of June 1 gives the following account of the floods along the D. & R. G.:

The first train since last Friday arrived in Pueblo this evening from La Veta and passengers bring reports of an immense damage by water. It rained all the last three days of last week and a foot of snow fell on the higher ranges. Wide stretches of the Denver and Rio Grande track were washed out on both sides of Veta pass. A Boston excursion train was caught in the pass and has been there three days, supposed to be at Placer, but neither wagons nor cars can reach them. The toll road is ruined and it will take \$3,000 to repair it. Eight miles of track must be laid between La Veta and Alamosa before trains can reach San Luis Valley.

Great destruction ensued along the whole course of the Huerfano River. Whole ranches were washed away or covered with quicksand, and many acres of crops washed out. One man lost seventy-five acres of land in a body. Numbers of people were driven out of their homes and are camped in temporary habitations. Many bridges along the Huerfano were carried away, and the only good bridge on the river now stands a quarter of a mile from the stream, it having changed its channel.

The band and choir of thirty members of Uta Lodge and 2000 people were prevented from attending the memorial services at Walsenburg on Decoration Day, by the heavy flood in the Cucharas River, which has totally demolished the trestling and bridge of the Colorado Coal and Iron Company at the Walsenburg and Cameron mine. This is the heaviest flood the inhabitants of the Cucharas Valley have ever seen, and at this writing the bridge at Walsenburg and the houses in the lower part of the camp at the mines are threatened.

John Cameron, general superintendent of the Colorado Coal and Iron Company, is superintending the work of saving the banks from utter destruction, and trying to save the engine house and camp. The switches, four in number, are badly broken, and the banks still cutting. People in the lower part of camp have everything packed for hasty flight. Three hundred men are thrown out of employment.

—Ben Carter, convicted of murder by the court at Rawlins, Wyo., has been sentenced to hang July 8, 1887.